

STATE OF MICHIGAN
COURT OF APPEALS

THOMAS J. PASSARO and HOWARD H.
KAHNE,

Plaintiff-Appellees,

v

TAGLIA, FETTE, DUMKE & WHITE, P.C.,

Defendant-Appellant.

UNPUBLISHED
September 6, 2007

No. 266425
Berrien Circuit Court
LC No. 03-003281-CZ

Before: Kelly, P.J. and Markey and Smolenski, JJ.

MARKEY, J. (dissenting).

The majority in this case, following our Supreme Court's remand to this court for consideration as on leave granted has now decided to reverse the trial court's order which vacated an arbitration award favorable to defendant and which ordered a new arbitration hearing. I respectfully dissent from this decision.

After carefully reviewing this case and the trial court's well-articulated opinion set forth on the record, I continue to remain convinced that the trial court correctly evaluated this case, applied the correct law, and reached the correct decision. Consequently, I would uphold the trial court's order vacating the arbitration award and ordering a new arbitration hearing.

/s/ Jane E. Markey